

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SUPER INTERCONNECT
TECHNOLOGIES LLC,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

Civil Action No. 6:21-cv-259-ADA

JURY TRIAL DEMANDED

FILED UNDER SEAL

**DECLARATION OF MARK LIANG IN SUPPORT OF GOOGLE LLC'S MOTION TO
TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA**

I, Mark Liang, hereby declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, located at Two Embarcadero Center, 28th Floor, San Francisco, CA 94111-3823, and counsel of record for Defendant Google LLC ("Google") in the above-captioned action. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. Attached as Exhibit 1 is a true and correct annotated copy of the Complaint filed by Super Interconnect Technologies LLC ("SIT") filed at Dkt. 1 in *Super Interconnect Technologies LLC v. Google LLC*, No. 2:18-cv-00463 (E.D. Tex.) ("EDTX Action").

3. Attached as Exhibit 2 is a true and correct copy of Google's redacted motion to dismiss for improper venue, filed at Dkt. 21 in the EDTX Action.

4. Attached as Exhibit 3 is a true and correct copy of the court's order filed at Dkt. 29 in the EDTX Action.

5. Attached as Exhibit 4 is a true and correct copy of the court's order filed on February 18, 2020, at Dkt. 102 in the lead case *Super Interconnect Technologies LLC v. Huawei Device Co., Ltd.*, No. 2:18-cv-00462 (E.D. Tex.), granting a stay of the EDTX Action.

6. I was counsel of record for Google in the EDTX Action. By February 18, 2020, the parties in the EDTX Action had (1) completed fact discovery, including depositions of party and non-party witnesses; (2) served opening expert reports; and (3) completed claim construction.

7. Attached as Exhibit 5 is a true and correct copy of the court's *Markman* order in the EDTX Action, filed at Dkt. 93 in the lead case *Super Interconnect Technologies LLC v. Huawei Device Co., Ltd.*, No. 2:18-cv-00462 (E.D. Tex.).

8. Attached as Exhibit 6 is a true and correct copy of the court's order filed on March 12, 2021, at Dkt. 111 in the lead case *Super Interconnect Technologies LLC v. Huawei Device Co., Ltd.*, No. 2:18-cv-00462 (E.D. Tex.), dismissing the EDTX Action.

9. Attached as Exhibit 7 is a true and correct copy of a redline comparing SIT's Complaint in the present action (Dkt. 1) with its first amended complaint in the EDTX Action.

10. Attached as Exhibit 8 is a true and correct copy of a subpoena for deposition testimony and document production served by SIT on Qualcomm Inc. in the EDTX Action.

11. The following Google employees were deposed as corporate witnesses for Google under Fed. R. Civ. P. 30(b)(6) in the EDTX Action: Madhav Chitlu, Michael Diamond, Nick Yoswa, Abhijit Ravi, James Maccoun, and Harleen Juneja.

12. Attached as Exhibit 9 is a true and correct copy of the cover pages of the transcript of the deposition of Madhav Chitlu in the EDTX Action.

13. Attached as Exhibit 10 is a true and correct copy of annotated excerpts of the deposition of Michael Diamond in the EDTX Action.

14. Attached as Exhibit 11 is a true and correct copy of the cover pages of the transcript of the deposition of Nicholas Yoswa in the EDTX Action.

15. Attached as Exhibit 12 is a true and correct copy of the cover of the transcript of the deposition of Abhijit Ravi in the EDTX Action.

16. Attached as Exhibit 13 is a true and correct copy of the cover of the transcript of the deposition of James Maccoun in the EDTX Action.

17. Attached as Exhibit 14 is a true and correct copy of the cover of the transcript of the deposition of Harleen Juneja in the EDTX Action.

18. Attached as Exhibit 15 is a true and correct copy of Harleen Juneja's LinkedIn profile, which indicates that she has left Google in January 2021 and is currently employed at Facebook in Menlo Park, in the San Francisco Bay Area.

19. Attached as Exhibit 16 is a true and correct copy of SIT's 2020 Texas Franchise Tax Public Information Report, filed on November 11, 2020, identifying SIT's mailing address as 6136 Frisco Square Blvd., Suite 400, Frisco, Texas.

20. Attached as Exhibit 17 is a true and correct copy of annotated excerpts from the deposition of Holly Hernandez in the EDTX Action.

21. Attached as Exhibit 18 is a true and correct copy of annotated excerpts from the deposition of Marc Booth in the EDTX Action.

22. Attached as Exhibit 19 is a true and correct copy of annotated excerpts from the deposition of Eric Lucas in the EDTX Action.

23. Attached as Exhibit 20 is a true and correct copy of annotated excerpts from the 2020 Form 10-K filed by Acacia Research Corporation with the Securities and Exchange Commission, indicating that Acacia Research Corporation's principal offices are at 4 Park Plaza Suite 550, Irvine, California.

24. Attached as Exhibit 21 is a true and correct copy of an Acacia Research Corporation webpage, last accessed April 5, 2021, identifying its subsidiary Acacia Research Group as "an industry leader in patent licensing" (https://acaciaresearch.com/actg/patent_licensing/3408/).

25. Attached as Exhibit 22 is a true and correct copy of excerpts from an email chain between myself and counsel for SIT in the EDTX Action, with the most recent email in the

chain, dated December 16, 2019, identifying the Rule 30(b)(6) topics assigned to Mr. Booth, Mr. Lucas, and Ms. Hernandez as SIT's corporate witnesses in the EDTX Action.

26. Attached as Exhibit 23 is a true and correct copy of Marc Booth's LinkedIn profile, which indicates that Mr. Booth is located in Newport Beach, California.

27. Attached as Exhibit 24 is a true and correct copy of Eric Lucas's LinkedIn profile, which indicates that Mr. Lucas is located in Laguna Beach, California.

28. Attached as Exhibit 25 is a true and correct copy of a Qualcomm Inc. ("Qualcomm") webpage, last accessed April 5, 2021, which indicates that Qualcomm has its headquarters at 5775 Morehouse Drive, San Diego, California (<https://www.qualcomm.com/contact>).

29. Attached as Exhibit 26 is a true and correct copy of annotated excerpts from the 2020 Form 10-K filed by Qualcomm with the Securities and Exchange Commission, indicating that Qualcomm's principal executive offices are at 5775 Morehouse Dr., San Diego, California.

30. In the EDTX Action, Qualcomm made its source code available [REDACTED]

[REDACTED] Attached as Exhibit 27 is a true and correct copy of annotated excerpts from an email chain between Freeda Lugo, counsel for Qualcomm in the EDTX Action, and myself, in which Ms. Lugo identifies [REDACTED] as holding Qualcomm's source code.

31. Attached as Exhibit 28 is a true and correct copy of Gyudong Kim's LinkedIn profile, which indicates that Gyudong Kim is an engineer at Analog Devices in the San Francisco Bay Area.

32. Attached as Exhibit 29 is a true and correct copy of annotated excerpts of the deposition of Gyudong Kim in the EDTX Action.

33. Attached as Exhibit 30 is a true and correct copy of Min-Kyu Kim's LinkedIn profile, which indicates that Min-Kyu Kim is an analog design engineering manager at Analog Devices, located in San Jose.

34. Attached as Exhibit 31 is a true and correct copy of the cover of the transcript of the deposition of Min-Kyu Kim in the EDTX Action.

35. Attached as Exhibit 32 is a true and correct copy of the declaration of Jaime Garcia, Contract Manager at Lattice Semiconductor Corporation ("Lattice"), dated October 31, 2019.

36. Attached as Exhibit 33 is a true and correct copy of a Lattice webpage, last accessed April 7, 2021, which shows that Lattice has its headquarters at 5555 NE Moore Ct, Hillsboro, Oregon, and maintains a Silicon Valley Development Center at 2115 O'Nel Drive, San Jose, California (<https://www.latticesemi.com/en/About>).

37. Attached as Exhibit 34 is a true and correct copy of excerpts of a subpoena served by Google on Lattice in the EDTX Action.

38. I performed a search for flights from San Francisco International Airport (SFO) to Waco Regional Airport (ACT). I identified no direct flights from SFO to ACT. The shortest travel time I identified from SFO to ACT requires two flights with a total flight time of 5 hours, 47 minutes, including a 1 hour, 2 minutes layover in Dallas/Fort Worth International Airport (DFW). Attached as Exhibit 35 is a true and correct copy of these search results.

39. I performed a search for flights from John Wayne Airport (SNA) and Los Angeles International Airport (LAX) to Waco Regional Airport (ACT). I identified no direct flights from

SNA to ACT or from LAX to ACT. The shortest travel time I identified from SNA to ACT requires two flights with a total flight time of 5 hours, 8 minutes, including a 1 hour, 12 minutes layover in DFW. The shortest travel time I identified from LAX to ACT requires two flights with a total flight time of 5 hours, 2 minutes, including a 1 hour, 2 minutes layover in DFW. Attached as Exhibit 36 is a true and correct copy of these search results.

40. I performed a search for flights from John Wayne Airport (SNA) to San Francisco International Airport (SFO). I identified eight nonstop daily flights, with travel times ranging from 1 hour, 25 minutes to 1 hour, 32 minutes. Attached as Exhibit 37 is a true and correct copy of these search results.

41. I performed a search for flights from San Diego International Airport (SAN) to San Francisco International Airport (SFO). I identified 18 nonstop daily flights, with travel times ranging from 1 hour, 25 minutes to 1 hour, 42 minutes. Attached as Exhibit 38 is a true and correct copy of these search results.

42. I performed a search for flights from San Diego International Airport (SAN) to Waco Regional Airport (ACT). I identified no direct flights from SAN to ACT. The shortest travel time I identified from SAN to ACT requires two flights with a total flight time of 4 hours, 50 minutes, including a 1 hour, 2 minutes layover in DFW. Attached as Exhibit 39 is a true and correct copy of these search results.

43. Attached as Exhibit 40 is a true and correct copy of a report from Docket Navigator showing the number of patent cases in the Northern District of California and the Western District of Texas in the 2019-20 time period.

44. Attached as Exhibit 41 is a true and correct copy of a report from Docket Navigator showing a comparison of the median time to trial between the Western District of Texas and the Northern District of California in the 2010-20 timeframe.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on April 27, 2021.

/s/ Mark Liang
Mark Liang